

MILITARY AIR TRANSIT

Exchange of notes at Guatemala December 20, 1949

Entered into force December 20, 1949

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The American Chargé d'Affaires ad interim to the Minister of Foreign Affairs

EMBASSY OF THE UNITED

STATES OF AMERICA

Guatemala, December 20, 1949

No. 165

EXCELLENCY:

I have the honor to refer to the Embassy's Note no. 128 of September 20 [30], 1949 and the Ministry's Note no. 17843 of November 22, 1949, with regard to the inactivation of the United States Air Force base at Guatemala City and the desirability of effecting an exchange of notes between the Government of the United States and the Government of Guatemala to enable the free movement of the military aircraft of each country into and through the airspace of the other country. The principal use by the United States of such an arrangement would be to facilitate the flight of United States military aircraft between the continental United States and the Panama Canal Zone.

I have the honor to advise Your Excellency that my Government agrees that the following arrangements be formalized by this exchange of notes:

(I) Definition: The right of military air transit and technical stop is the right to operate military aircraft into, over and away from the sovereign territory of a nation and to land at one or more specified airfields or seaplane landing areas therein only to refuel, effect repairs and/or avoid unfavorable weather conditions. Military aircraft of the United States are aircraft of the Air Force, Army, Navy, Marine Corps, and Coast Guard. Military aircraft of Guatemala are aircraft of the Air Force and Army.

(II) The Government of the United States of America grants to the military aircraft of the Government of Guatemala the right of air transit and technical stop as defined in (I) above over the following routes, subject to the regulations and provisions set forth herein:

Miami, Florida; Brownsville, Texas or New Orleans, Louisiana via most direct airways route to Washington, D.C., and New York, New York.

The Government of Guatemala grants to the military aircraft of the Government of the United States of America the right of air transit and technical stop as defined in (I) above over the following route, subject to the regulations and provisions set forth herein:

Transit rights over Guatemalan airspace with stops at Guatemala City or San Jose.

(III) It is agreed that the right of air transit and technical stop includes reciprocal overflight and landing privileges for military aircraft of each of the two Governments through the territories and at airfields under the control of the other Government. This right does not extend to bases within the sovereign territory of a third power. Landing and parking fees at airfields under jurisdiction of military service will be waived in all instances. Notification procedures will follow current practice of filing a standard flight plan with the nearest control center or foreign clearing station.

(IV) The use of airfields under this arrangement will normally be restricted to non-scheduled landing by single aircraft or small groups of planes. Whenever an airfield is to be used for scheduled traffic or heavy traffic flow is anticipated, administrative arrangements will be made between the two Governments. At airfields where adequacy of ground facilities is questionable, where extraordinary accommodations are required and whenever individuals requiring special reception or honors are aboard aircraft, twenty-four hours advance notice will be given.

(V) The military passengers and crew of each Government operating in accordance with the rights granted by paragraph (II) above will be exempted from customs' charges and immigration restrictions and charges consistent with existing laws and regulations by the other Government but will not be exempted from such customs, immigration, police and health inspection as may be required under the laws of the other Government.

(VI) It is agreed that in the exercise of the right contained herein, each military service will be permitted to procure and transport through contract or outright purchase necessary supplies for its personnel and aircraft while in the territory of the other. Such purchases will enjoy the same tax exemption as is enjoyed by the military forces of the country of sovereignty.

(VII) It is agreed that the aircraft of the two Governments exercising the rights provided in paragraph II above will be authorized to transport military personnel and cargo and government mail, and such aircraft which are in transit across the territory of the other will be exempt from search.

(VIII) It is agreed that governmental officials and private citizens who are certified to be on official business of the Government may be transported

in the military aircraft. Such persons will be subject to the stipulations of paragraph (V) above.

(IX) It is agreed that military crews manning aircraft and military passengers thereon, operating in accordance with the provisions of paragraph II above, may wear the uniform of their service.

(X) Military aircraft of the Government of Guatemala when flying into or over the airspace of the continental United States will be subject to compliance with all applicable laws and regulations including those pertaining to airspace reservations and air traffic rules contained in part 60 of the Civil Air Regulations. The Military aircraft of the United States, when flying into or over the airspace of the Republic of Guatemala, will be subject to the standards of the same nature in effect in Guatemala.

This exchange of notes will replace the blanket emergency permission granted to the United States by the Government of Guatemala on December 16, 1941, and the six-month blanket permission issued to the Government of Guatemala by the United States on July 22, 1949.

These privileges are considered to be automatically renewable on an annual basis, unless one party gives six months' prior notice of its desire to terminate this arrangement. In the event of either of the Governments becoming directly involved in hostilities, each Government reserves the right to terminate this agreement forthwith or to reconsider the extent of its adherence thereto. These arrangements are concluded without prejudice to the possible inclusion of these rights in a multilateral military air transit agreement at a later date.

This note and Your Excellency's acceptance thereof will be considered as constituting an agreement on this subject.

Accept, Sir, the renewed assurances of my highest consideration.

MILTON K. WELLS
Charge d'Affaires ad interim

His Excellency

Senor Licenciado ISMAEL GONZALEZ AREVALO,
Minister of Foreign Affairs,
Guatemala.

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA
Diplomatic Section
032

GUATEMALA, *December 20, 1949*

MR. CHARGÉ D'AFFAIRES:

I have the honor to refer to Your Excellency's courteous note No. 165 of this date in which, referring to prior negotiations relative to the desirability of the Governments of Guatemala and the United States concluding an arrangement for regulating the free movement of the military aircraft of each country over their respective territories, you are good enough to inform me that your Government is willing to formalize the arrangement by this exchange of notes.

I take pleasure in informing Your Excellency that my Government agrees completely to the aforementioned agreement, which reads as follows:

[For text of agreement, see U.S. note, above.]

This note and Your Excellency's note No. 165, to which I have the honor to refer, constitute an agreement between our two Governments on this subject.

I avail myself of this opportunity to renew to His Excellency the Chargé d'Affaires the assurances of my highest consideration.

I. GONZÁLEZ ARÉVALO

His Excellency

MILTON K. WELLS

*Chargé d'Affaires ad interim of the United States
City.*